

REMARKS

The present application was filed on June 15, 2000 with claims 35-56. In the outstanding final Office Action, the Examiner maintains the rejection of claims 36-56 under 35 U.S.C. §102(e) as being anticipated by WO 98/47302 to Rauhala (hereinafter "Rauhala").

In this response, Applicants: (i) amend independent claims 36, 40, 45 and 50; (ii) cancel without prejudice claims 48, 49 and 51-56; and (iii) file a Request for Continued Examination.

Regarding the §102 rejections based on Rauhala, Applicants traverse the rejections based on the assertion that Rauhala fails to teach or suggest all of the limitations in claims 36-56.

It is well-established law that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Applicants assert that the rejection based on Rauhala does not meet this basic legal requirement, as will be explained below.

Before pointing out the patentable distinctions between the claimed invention and Rauhala, an overall summary of the invention is provided. This summary should facilitate a better understanding of the aspects of the invention recited in the various independent claims of the application. This summary may be found in the present specification at pages 2 and 3.

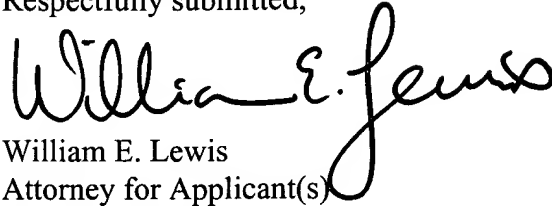
Typically, access to an Internet Service Provider (ISP) is via a network access server (NAS). The invention realizes that, in an environment such as Personal Communications Service (PCS), tunneling protocols such as the "Layer 2 Tunneling Protocol" (L2TP) do not allow a remote user on an existing call to change the NAS that is providing access to a VPN. As such, the user's physical mobility disconnects, or drops, the user from the existing connection.

Therefore, and in accordance with one aspect of the invention, apparatus and methods for transferring packet data provide a "hand-off" feature that allows an existing point-to-point (PPP) connection to be transferred from one packet server (or packet equipment) to another packet server (or packet equipment) in accordance with a modified layer two tunneling protocol (mL2TP) such that the PPP connection need not be reestablished and thus an associated wireless data call is not dropped.

While Applicants sincerely believe that the claims in their state prior to this Amendment were patentable over Rauhala, all pending independent claims have been amended to now specifically recite the modified layer two tunneling protocol (mL2TP) and that the PPP connection need not be reestablished and/or an associated wireless data call is not dropped.

In view of the above, Applicants believe that claims 35-47 and 50 are in condition for allowance, and respectfully request withdrawal of the §102(e) rejections.

Respectfully submitted,

A handwritten signature in black ink that reads "William E. Lewis". The signature is fluid and cursive, with the first name "William" being the most prominent part.

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